

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARIUS COLEMAN,
Petitioner,

v.

VICKI HENNESSY,
Respondent.

Case No. 17-cv-06503-EMC

**ORDER GRANTING PETITIONER'S
MOTION TO SHORTEN TIME**

Docket No. 12

Petitioner Darius Coleman has filed a petition for habeas relief pursuant to 28 U.S.C. § 2241. According to Mr. Coleman, his constitutional rights have been violated because a state court “imposed a de facto order of pretrial detention by requiring a \$200,000 secured financial condition of release that was [financially] unattainable for [him]” and the state court failed to “make the substantive findings or provide the rigorous procedures required for a valid order of pretrial detention.” Pet. ¶ 3.

Previously, Judge Laporte (the then-assigned judge) ordered Respondent Vicki Hennessy to show cause as to why Mr. Coleman’s habeas petition should not be granted. *See* Docket No. 5 (Order at 2). Judge Laporte, however, set an extended briefing schedule – 60 days for the answer and 30 days for the traverse. Mr. Coleman subsequently moved to shorten time, noting, *inter alia*, that that timeframe is used for § 2254 petitions, not necessarily § 2241 petitions, and that, in any event, there is an interest in having his petition ruled on in a timely fashion given the issue raised. Although Ms. Hennessy indicated to Mr. Coleman that she opposed shortened time, she did not file a written opposition. Upon inquiry from Court staff, Ms. Hennessy confirmed that she would not be filing a written opposition.

In light of the failure to file a written opposition, as well as the interest raised by Mr.

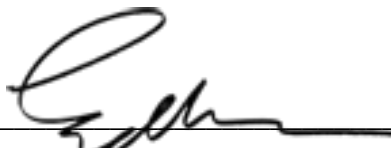
1 Coleman, the Court **GRANTS** the motion to shorten time. Ms. Hennessy shall have until
2 December 7, 2017, to file an answer to the habeas petition. Mr. Coleman shall have until
3 December 12, 2017, to file a traverse. The parties are advised to consider Judge Breyer's recent
4 ruling in *Reem v. Hennessy*, No. C-17-6628 CRB (Docket No. 8).

5 Because Ms. Hennessy has not made a formal appearance in this case as of yet, the Court
6 orders Mr. Coleman to serve a copy of this order by mail on the California Attorney General's
7 Office **within one day of the date of this order**. In addition, **within one day of the date of this**
8 **order**, Mr. Coleman shall serve a courtesy copy by email on Katie Stowe of the California
9 Attorney General's Office. The Court understands from Mr. Coleman that Ms. Stowe is the
10 appropriate contact person at the Attorney General's Office but, if there are additional attorneys,
11 they should likewise be given notice of this order via email. **Within two days of the date of this**
12 **order**, Mr. Coleman shall file a declaration, certifying compliance with this order.

13 This order disposes of Docket No. 12.

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15 **IT IS SO ORDERED.**

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17 Dated: November 29, 2017

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20 EDWARD M. CHEN
21 United States District Judge
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